

CHAVEZ & GERTLER LLP

JONATHAN E. GERTLER (Bar. No. 111531)

CHRISTIAN SCHREIBER (Bar No. 245597)

42 Miller Avenue

Mill Valley, CA 94941

Tel: (415) 381-5599 Fax: (415) 381-5572

SCHNEIDER WALLACE

COTTRELL BRAYTON KONECKY LLP

TODD M. SCHNEIDER (Bar No. 158253)

JOSHUA G. KONECKY (Bar No. 182897)

LISA M. BOWMAN (Bar No. 253843)

180 Montgomery Street, Suite 2000

San Francisco, CA 94104

Tel: (415) 421-7100 Fax: (415) 421-7105

Attorneys for Plaintiff ANGELITA GOMEZ and the proposed class

JACKSON LEWIS LLP

JOANNA L. BROOKS (Bar No. 182986)

ANNE V. LEINFELDER (Bar No. 230272)

DOUGLAS M. BRIA (Bar No. 226966)

199 Fremont Street, 10th Floor

San Francisco, CA 94105

Tel: (415) 394-9400 Fax: (415) 394-9401

THE MILLER LAW GROUP

TIMOTHY C. TRAVELSTEAD (Bar No. 215260)

111 Sutter Street

San Francisco, CA 94104-4547

Tel: (415) 464-4300 Fax: (415) 464-4336

Attorneys for Defendant PEROT SYSTEMS CORPORATION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ANGELITA GOMEZ,

Plaintiff,

vs.

PEROT SYSTEMS CORPORATION, a
Delaware Corporation; and DOES 1 to 50,

Defendants.

Case No. CV-08-03337 SC

**STIPULATION TO SUBMIT MOTION
FOR PRELIMINARY APPROVAL
FOR RULING ON THE PAPERS
WITHOUT HEARING**

Complaint filed: May 27, 2008

The Honorable Samuel Conti

1 WHEREAS, the parties reached the core terms of a class action settlement in the above-
2 captioned case on June 19, 2010;

3 WHEREAS, the parties executed the full class action settlement agreement on August 31,
4 2010 and September 1, 2010;

5 WHEREAS, Plaintiff filed a Motion for preliminary approval of the class action settlement
6 on September 1, 2010;

7 WHEREAS, the foregoing papers include, *inter alia*, the fully executed class action
8 settlement agreement, the text and procedures for notice to the settlement class; and the other
9 materials required by Fed. R. Civ. P. 23;

10 WHEREAS, the foregoing materials also include a proposed order setting dates for class
11 notice, requests for exclusions by class members, objections, the motion for attorneys' fees and
12 costs pursuant to Fed. R. Civ. P. 23(h), and a final fairness hearing date to be set by the Court;

13 WHEREAS, the motion is noticed for hearing on September 17, 2010, in the event the Court
14 wishes the parties to appear;

15 WHEREAS, the Court already has scheduled a Case Management Conference to take place
16 on September 17, 2010;

17 WHEREAS, the motion for preliminary approval is unopposed;

18 WHEREAS, given that the motion is unopposed, all briefing respecting the motion will be
19 submitted earlier than two weeks prior to the September 17, 2010, which would otherwise be the
20 date that all reply papers would need to be filed under the Local Civil Rules if the matter were
21 opposed;

22 WHEREAS, the parties stipulate to have the matter submitted on the papers if the Court
23 does not require a hearing, or alternatively, request the Court to consider the motion on September
24 17, 2010.

25 **STIPULATION AND JOINT REQUEST**

26 1. In light of the foregoing, IT IS STIPULATED between the parties that the Motion
27 for Preliminary Approval of the Class Action Settlement can be submitted on the papers without a
28

1 hearing, unless the Court has any questions or concerns regarding the Settlement Agreement or the
2 Motion, or otherwise wishes the parties to appear; and

3 2. The parties respectfully request that the Court rule on Plaintiff's Motion before
4 September 17, 2010, if no hearing is required, or to consider the matter on September 17, 2010, if
5 the Court wishes the parties to appear.¹

6 3. If no hearing is required, the parties respectfully request that the Court vacate the
7 parties' September 17, 2010 Case Management Conference.

8
9 Respectfully Submitted,

10 Dated: September 1, 2010

SCHNEIDER WALLACE
COTTRELL BRAYTON
KONECKY LLP

13 /s/ Joshua G. Konecky

14 By: _____
Joshua G. Konecky
Attorneys for Plaintiff and the proposed class

16 Dated: September 1, 2010

JACKSON LEWIS LLP

18 By: Joanna L. Brooks
Joanna L. Brooks
Attorneys for Defendant PEROT SYSTEMS
CORPORATION



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27 ¹ As stated above, a proposed order granting preliminary approval of the class action settlement has
28 been lodged with the Court. The proposed order contains a schedule for: class notice, requests for
exclusions by class members, objections, the motion for attorneys' fees and costs pursuant to Fed.
R. Civ. P. 23(h), and a final fairness hearing date to be set by the Court.